IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5081 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEVENDRA JADAVJI JOSHI

Versus

MRS PRATIMABEN DEVENDRA JOSHI

Appearance:

MR FB BRAHMBHATT for Petitioner

MR CH VORA for Respondent No. 1

MR ND GOHIL, APP for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 28/03/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties.

2. As a result of the hearing and discussion, a

consensus has been arrived at between the learned counsel, on the basis of which it is found and directed that the present petitioner no.2 (original accused no.2) being a lady of 85 years of age, be dropped as accused no.2 and consequently the complaint qua the accused no.2 is quashed. It is accordingly so directed.

3. So far as the allegation of commission of offence under section 420 of IPC is concerned, the same is also not sustainable on the averments made in the complaint, and therefore the complaint qua this offence is also quashed.

4. Subject to the aforesaid observations and directions, learned counsel for the petitioner seeks permission to withdraw the present application. Permission granted. Application stands disposed of as withdrawn. Rule is discharged.

5. It is clarified that the sum of Rs.1500/- payable by the present petitioners to the present respondent by virtue of an ad interim order passed in this application on 17th February 2000 shall be deposited in the Mandvi Court on or before 15th April 2000 with liberty to the complainant to withdraw the same.

****

ar